



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

ZACHARY KALMBACH
Assistant Corporation Counsel
phone: (212) 356-2322
fax: (212) 356-3509
zkalmbac@law.nyc.gov

November 23, 2022

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Amaury Urena v. City of New York, et al.,
22 Civ. 4758 (JLR) (KHP)

Your Honor:

I represent defendant the City of New York (the “City”) in the above-referenced matter.¹ I write jointly with plaintiff’s counsel to respectfully request that the Court stay the parties’ obligations relating to the pending Valentin Order.

By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983 against the City and unidentified New York City Department of Correction (“DOC”) officers, alleging, *inter alia*, that, while being transferred between facilities on Riker’s Island, he was held overnight in the “seg intake” unit at the Anna M. Kross Center and on a bus in front of the George R. Vierno Center. (See ECF No. 2). On June 29, 2022, the Court issued a Valentin Order, which directed this Office to “ascertain the identity and badge number of each John or Jane Doe whom Plaintiff seeks to sue here and the address where the defendant may be served” by August 28, 2022. (See ECF No. 6). On November 21, 2022, the Court extended the City’s deadline to comply with the Valentin Order to January 27, 2023, and granted the City leave to serve plaintiff with identification interrogatories by November 28, 2022, to which plaintiff is required to respond by December 28, 2022. (See ECF No. 27). The same day, plaintiff’s counsel filed a notice of appearance on behalf of plaintiff. (See ECF No. 26).

¹ This case has been assigned to Assistant Corporation Counsel Bailey Forcier, who is awaiting admission to the New York Bar. Ms. Forcier is handling this matter under supervision and may be reached at (212) 356-5054 or bforcier@law.nyc.gov.

The parties conferred regarding the Valentin Order on November 22, 2022, at which time the City informed plaintiff of its intention to seek relief from the Order on the grounds that plaintiff is no longer proceeding *pro se*. Plaintiff advised the City of his intention to file an amended complaint within 45 days. In light of plaintiff's intention to amend the Complaint, the parties respectfully request that the Court stay the parties' current obligations relating to the Valentin Order until after plaintiff files an amended complaint, at which time the parties will confer as to the efficient and proper identification of individual defendants.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach
Zachary Kalmbach
Assistant Corporation Counsel

cc: **Via ECF**
Stephanie Panousieris
Rickner PLLC
14 Wall Street
Ste 1603
New York, NY 10005
212-300-6506
stephanie@ricknerpllc.com
Attorney for plaintiff

The deadline for Defendant City of New York to comply with the Valentin order is stayed pending Plaintiff's filing an Amended Complaint. By **Monday, February 13, 2023**, the parties shall file a joint status letter with their proposal for identification of the individual defendants.

SO ORDERED:

Katharine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

11/28/2022